

February 7, 1975

PRESIDENT: Senator Marsh, do you wish to close by way of reply? Are you ready for the question? The question is, LB 17 constitutional revision on General File, the movement of it. Record your vote. Have you voted? Record Mr. Clerk.

CLERK: 37 ayes, 0 nays, 12 not voting.

PRESIDENT: LB 17, constitutional amendment, is advanced to E & R initial.

CLERK: Legislative bill read: LB 172.

PRESIDENT: Senator Koch. Senator Fowler, excuse me.

SENATOR FOWLER: What the committee amendment does is simply expand this bill to the second class cities as well. The intent of the bill is simply to clarify some language as to when the mayor of a city may vote on a city council in cases of tie. It was felt that the language in the past has been ambiguous and the cities wanted some clarification. We felt if it's good for one class we might as well do it for the other. I move the adoption of that amendment.

PRESIDENT: Any discussion of the Fowler amendment? Record your vote. Have you voted? Record Mr. Clerk.

CLERK: 36 ayes, 0 nays.

PRESIDENT: The amendments pass. Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, there has been some legal question in the statutes regarding the vote of the mayor at various times in the conduct of the business of a city. What this bill proposes to do is to simplify and elucidate the purpose of that vote. The purpose is to make the mayor a part of the council. His vote would be counted as a council vote any time he so chose to cast. So we're merely trying to clear up some ambiguities in the law, as Senator Fowler stated. I would hope that you would move this bill to E & R for initial.

PRESIDENT: The question is . . . is there any further discussion? The question is, shall LB 172, as amended, be advanced to E & R initial. Record your vote. Record Mr. Clerk.

CLERK: 34 ayes, 0 nays, 15 not voting.

PRESIDENT: The bill, as amended, is so advanced. LB 12, constitutional amendment.

CLERK: Read bill.

PRESIDENT: Senator Syas.

SENATOR SYAS: I move the amendment be adopted. The amendment, as I've stated in the book, was to clarify a mistake in the original bill. The amendment is offered solely to make it clear that bills may only be carried over from the long or first session of the Legislature to the short or second session. Without the amendment the carry-over provision would be unclear because every session would be held for at least one day in the odd numbered years. This amendment clarifies that and also corrects it. There was a mis-